

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

ELI LILLY AND COMPANY,	)	
DAIICHI SANKYO CO., LTD.,	)	
DAIICHI SANKYO, INC.,	)	
and UBE INDUSTRIES, LTD.,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 1:14-cv-00389-SEB-TAB
v.	)	
	)	
ACCORD HEALTHCARE, INC. USA, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**PLAINTIFFS' AMENDED MOTION TO CONSOLIDATE**

On June 11, 2014, Plaintiffs Eli Lilly and Company, Daiichi Sankyo Co., Ltd., Daiichi Sankyo, Inc., and Ube Industries, Ltd. (collectively, "Plaintiffs") filed a motion to consolidate this matter with both *Eli Lilly & Company, et al. v. Par Pharmaceutical Companies, Inc. and Par Pharmaceutical, Inc.*, 1:14-cv-00109-SEB-TAB ("the Par Case") and *Eli Lilly & Company, et al. v. Apotex Corp. and Apotex Inc.*, 1:14-cv-00586-SEB-TAB ("the Apotex Case") for all purposes. *See* Dkt. 216 (1:14-cv-00389-SEB-TAB). Because it had the earliest case number, Plaintiffs requested in their consolidation motion that the Par Case be designated the lead case following consolidation. Since the consolidation motion was filed, Par Pharmaceutical Companies, Inc. and Par Pharmaceutical, Inc. (collectively, "Par") converted their paragraph IV certifications as to U.S. Patent Nos. 8,404,703 and 8,569,325 patents to paragraph III certifications. Accordingly, Plaintiffs and Par are filing today Stipulations of Dismissal with respect to Plaintiffs' actions against Par, including a stipulation to dismiss the Par Case.

With the dismissal of the Par case, Plaintiffs now wish to amend their earlier motion for consolidation to state that (1) the cases to be consolidated are the present action and the Apotex Case, but not the Par Case (because it will be dismissed), and (2) because the present case now has the earliest docket number of the currently active cases, Plaintiffs request that the cases be consolidated under this case number, *i.e.*, Case No. 1:14-cv-00389-SEB-TAB. *See* L.R. 42-1.

The reasons supporting Plaintiffs request for consolidation can be found in Plaintiffs' original motion, which is found at Docket entry 46, Case No. 1:14-cv-00109-SEB-TAB. No party filed an opposition to Plaintiffs' motion to consolidate.

Respectfully submitted,

Dated: July 18, 2014

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## CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2014, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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